EXPLANATION OF

31

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the nullifiers of Wudū', and the author رحمه الله تعالى said,

والنواقض في الطهارة الصغرى ثمانية

There are 8 nullifiers of Wudū'.

1. The first one is الخارج من السبيلين, anything exiting from the two private parts.
2. والفاحش من غيرهما, what exits from other than the two private parts that's repulsive.
3. The third one is وزوال العقل بغير نوم يسير جالسا أو قائما, sleep is like loss of consciousness, except light sleep while one is sitting and standing, and we explained that.
4. The fourth and fifth ones are ومس الفرج والمرأة لشهوة, touching the private parts,
5. and a woman with desire (والمرأة لشهوة).

6. The sixth one is وأكل لحم الإبل, eating the meat of the camel.
7. The seventh one — it's the one we finished in our last class — is apostasy, والردة. We finished talking about whether Riddah nullifies Wudū' or not.

And I said, we completed the list of Wudū' nullifiers that the author detailed. Riddah is the last nullifier that the author mentions. For so many Halaqāt, I've been reviewing the Matn in the beginning, and I do that as a review and so we can memorize it. So much so, to the point that some parents sent me videos of their children reciting portions of that Matn.

I said over and over that the author said there's 8 nullifiers of Wudū', but looking at your Matn now, when he went to list them, he only detailed seven. There's no eighth nullifier of Wudū' in that booklet. The seventh nullifier, Riddah, is the last one he mentions. Then he goes on to the next section.

The Hanābilah usually list eight nullifiers. The one the author omitted was Wudū' from washing a dead person, Wudū' from washing the deceased. How do we know *that's* the one he skipped, because there are *other* ones that other Ulamā' mentioned? Because the majority of the Hanābilah, when you see their Matn or their books of Fiqh, go by those 8 nullifiers. But why did he omit it? It's possible that he forgot. He's human, and humans make mistakes. But that's the weaker of the 2 responses.

A stronger, more correct reason that I believe, is most likely because he didn't consider it a nullifier. Because the Hanbali Madhhab itself is split on this matter. Some consider it a nullifier of Wudū' and some say it's not a nullifier of Wudū', as we'll see inshā'Allāh. It's possible to infer from him saying there's eight nullifiers of Wudū', and only listing seven, that he skipped washing the deceased due to him not agreeing that it's a nullifier of Wudū'. He left it out when detailing it. He mentioned the eight to show you that's what the Hanābilah mentioned but he left out the one that he left out detailing the one that he disagrees with.

Nullifier #8 – غسل الميت

1. So now let's take the nullifier that he skipped: Wudū' from washing the deceased. Is washing the deceased a nullifier of Wudū'? Before we begin let me point out two things. This Mas'alah pertains to Wudū' from washing the deceased. Some Ulamā' mentioned that washing the deceased requires a Ghusl, a full Ghusl. That's not in this section, here we're talking about the nullifiers of Wudū'. Whether washing the deceased requires a full Ghusl or not is something elsewhere in the sections of the books of Fiqh. The second matter to keep in mind is that this dispute pertains to the one *physically* washing and *touching* the dead person. Meaning, someone standing and pouring water, who didn't actually touch the dead person, that's not part of this Mas'alah, his Wudū' is not nullified, that's not even a question.

- There are two opinions on this matter. First opinion is that it's not a nullifier that's the correct opinion and the opinion of the majority of the Ulamā'. Among them is the Hanafiyyah, Shāfi'īyyah, Mālikiyyah, and one of two opinions of the Hanābilah, and it's the opinion that Ibn Taymiyyah رحمه الله تعالى chose. The Shāfi'īyyah went along with this opinion but considered it Sunnah, Mustahabb. Meaning, they didn't say it's a nullifier, but they said it's better to make Wudū'.

  The first proof and the decisive proof on this matter is that there is no authentic proof to indicate it's a nullifier. And when there is no proof to indicate it's a nullifier, we mentioned the rationale we've mentioned many times: that a person's Wudū' is intact and it's proven by Yaqīn and it doesn't get nullified except with clear, authentic proof, and there is no proof on this matter. Imposing something like Wudū' on an issue without clear proof is no different than making a Harām a Halāl and a Halāl a Harām.

  The second proof is they said the deceased Muslim is pure. The person washing him is touching someone who is pure. So it's not a nullifier of Wudū'. Even if he was covered in Najāsah head to toe, it's still not a nullifier of Wudū'. If the one washing him gets Najāsah on him, all he is required to do is wash the Najāsah off. If you are not required to make Wudū' from touching Najasāt or even the carcass of an animal, it's more essential that touching the deceased Muslim is not a nullifier of Wudū'.

- The second opinion is that it's a nullifier of Wudū'. If someone washes a dead person, they have to go perform Wudū', and that's the opinion of Imām Ahmad and Ishāq ibn Rāhaway and An-Nakha'ī. And this is among what we refer to as Mufradāt Al-Madhab Al-Hanbali. I mentioned this before, when we spoke about eating the meat of a camel, وأكل لحم الإبل. I mentioned this matter. It means, when you say Mufradāt Al-Madhhab Al-Hanbali, it means the opinion of that Madhhab differs from the opinion of the official opinions of the other three Madhāhib. Eating the meat of a camel and considering that a nullifier of Wudū' is the opinion of the Hanābilah, and it goes against all the other three Madhāhib. We said when we mentioned that, that the Hanābilah were correct. It's a nullifier of Wudū', and we proved it.

  Now, requiring Wudū' after washing the deceased is the opinion of the Hanābilah and it goes against all the other three Madhāhib. But we said here, this is the weak opinion, because we go by proof. What's the proof for the Hanābilah and the Ulamā' who went along with them, that it's a nullifier of Wudū'? First of all, there's an Athar by Ibn 'Umar رضي الله عنهما, that's quoted in this matter indicating that one should make Wudū' after washing a dead person, but it's weak.

  And also, second of all, there's a Ahādīth related by Ā'ishah and Ali Ibn Abi Tālib and Abu Sa'īd Al-Khudri and Hudhayfah Ibn Al-Yamān and Al-Mughīrah Ibn Shu'ba pertaining to this matter, and they're all weak. One of those Ahādīth that's widely used is in Sunan Al-Tirmidhi and Abu Dawūd

and Ibn Mājah, and in Musnad Ahmad, it's on authority of Abu Hurayrah رضي الله عنه that the Messenger ﷺ said,

مِنْ غُسْلِهِ الْغُسْلُ وَمِنْ حَمْلِهِ الْوُضُوءُ

or,

مَنْ غَسَّلَ الْمَيِّتَ فَلْيَغْتَسِلْ وَمَنْ حَمَلَهُ فَلْيَتَوَضَّأْ

"One who washes the dead person should do Ghusl, and the one who carries him needs to perform Wudū'." The Ulamā' of Hadīth dispute whether that's actually a Hadīth, meaning the wording of the Messenger ﷺ, or an Athar of Abu Hurayrah. Did Abu Hurayrah say it? Al-Bukhāri, Ali Ibn Al-Madīni, Imām Ahmad, Abu Hātim, al-Bayhaqi, and Ibn Mundhir said it's not a Hadīth attributable to the Messenger ﷺ. And some of those Ulamā' clearly said there's no authentic Hadīth on this matter.

Another proof they used is an Athar by Ibn 'Abbās رضي الله عنهما that's in Musannaf Ibn Abi Shaybah, where he was asked about making Ghusl, taking a full bath, after washing a deceased person. Do you have to do that? He said, "No, you just make Wudū'." And that can be responded to in many ways. Number one, he could have meant the linguistic Wudū', meaning washing the hands. Because one who washes a dead person may touch Najāsah, so he needs to wash his hands. So it's possible he meant

the literal linguistic Wudū' of washing the hands. It's also possible he meant one who wasn't on Wudū' needs to make Wudū' to perform the Janāzah, the Salāh of the Janāzah. Also, a third way to respond to is that that it's an Athar, it's not a Hadīth. It's a statement of Ibn 'Abbās رضي الله عنهما. Why all these possibilities and scenarios to the statement of Ibn 'Abbās رضي الله عنهما? Because it's an Athar, it's an Athar on a matter where there's no Hadīth to back that up. There's no statement of the Messenger ﷺ or Ijmā' to back that up.

Another proof they used, they said, the person washing the dead person may touch his private parts, so he needs to make Wudū'. They said it's like sleep. Sleep is not a nullifier in and of itself, but because of the possibility of discharge of wind. They said likewise here, washing the deceased is not a nullifier in and of itself, but due to the possibility of touching the dead person's private parts. And that can be responded to in many ways as well.

Number one, it's not permitted to touch the private parts of the deceased except through a barrier, so that shouldn't happen. We studied the issues of touching private parts, and we said even if one touches his *own* private parts through a barrier, the correct opinion on that — it's disputed, but the correct opinion is that it's not a nullifier. Touching the private part of a dead person is not common or imminent. If it happens, it's exceptional and rare, and exceptional matters like that shouldn't be a reason to require Wudū' without clear, solid proof.

Also, a response assuming you accept the opinion that touching someone else's private part nullifies Wudū' — we studied that, and we said that's the weaker of the opinions — but the one washing the deceased can't be compared to one sleeping. The one washing is fully awake and aware and conscious. He's fully aware if he in fact touches the private parts of someone, unlike someone who's sleeping, who's unaware, and may discharge wind. So, you can't compare the two.

On top of that, if you've been following our classes closely, you can counter that argument with what we studied, pertaining to matters we studied under touching the private parts. Two Masā'il that we took recently, you can apply them here. From what we've learned, let's assume the one washing the dead person accidentally or ignorantly touches the private parts of the dead person. He shouldn't, without a barrier, but let's assume, for Fiqh purposes, it happened. Touching the private part of someone else is a Mas'alah we studied, and we said it's different than one touching his own private parts, and we mentioned the Rājih with proof, that it's not a nullifier. So that shoots down that argument. Also, what we studied, we learned that touching the private parts over clothes or over a barrier doesn't nullify Wudū' of the one touching his *own* private part, let alone someone else.

Now another proof that they used, which is the sixth proof that washing the deceased nullifies Wudū', is that they may have used a rule adopted by

the Hanābilah: that everything requiring Ghusl requires Wudū'. According to those who say one must do Ghusl from washing the deceased, then by that rule everything requiring a Ghusl requires Wudū', so that means it requires Wudū'. The Mas'alah, like I said of Ghusl from washing a deceased is not under this section, inshā'Allāh we'll address it in its proper section.

Ar-Rājih

The Rājih on this Mas'alah is that washing a dead person is not a nullifier of Wudū' because there is no authentic proof to indicate that, no authentic, *clear* proof to indicate that. For something to be a nullifier, we stated many times, you need authentic proof or an Ijmā'.

With that we concluded the nullifiers that the author mentioned directly or hinted to when he said eight but only listed seven. And that, those eight, are generally what the Hanābilah adopt as nullifiers of Wudū'. But because we're using this book as an outline to teach the Hanbali Madhhab *and* the other Madhāhib, we're going to discuss other nullifiers of Wudū' that other Ulamā' and Madhāhib mentioned, Inshā'Allāh.

Nullifier #9 – القهقهة في الصلاة

The ninth nullifier is laughing in Salāh, القهقهة في الصلاة. And this was mentioned by the Ahnāf. And just like I started the previous Mas'alah with two notes, I'll mention two notes before I begin discussing this Mas'alah.

The first one is, this is not about laughing nullifying *Salāh*, so don't confuse the two. That's discussed elsewhere, and we're studying in a structured way. Nor is this about laughing *outside* of Salāh. None of the Ulamā' consider laughing outside of Salāh a nullifier of Wudū'. And actually, let me add a third one. This Mas'alah is also not about *smiling* in Salāh. Meaning, smiling without noise of laughter. This Mas'alah is about QahQaha, laughing *with* a sound. The word defines itself, QahQaha.

II. Does laughing in Salāh nullify Wudū'? Meaning, if he laughs with a sound in Salāh, does he have to break his Salāh, go make Wudū' and start all over again?

- The majority of the Ulamā' say that it does not nullify Wudū', and their proof is just like the earlier Mas'alah. The first proof of theirs is there's no proof, and we stated many times, in order for something to be a nullifier, there has to be clear authentic proof or Ijmā'. Additional proof is what's in Musannaf Ibn Abi Shaybah that Jābir رضي الله عنه said, "If one laughs in Salāh, he repeats the Salāh, not the Wudū'."

Third proof is if laughing outside of Salāh is not a nullifier. We all agree on that. How could it be a nullifier only in Salāh? If it's a nullifier in Salāh, it should be a nullifier outside of Salāh as well.

A fourth proof is that talking in Salāh is prohibited and nullifies Salāh, but it doesn't nullify Wudū'. If one purposely speaks in Salāh, his Salāh is nullified, not the Wudū'. Laughing in Salāh is of the same nature, so it should nullify Wudū' as well.

- The second opinion is what the Ahnāf said, that it nullifies Wudū' and Al-Hasan Al-Basri, Ibrahīm Al-Nakha'ī, and Sufyān Al-Thawri also adopted that. They used a weak Hadīth in Sunan Ad-Dāraqutni that the Sahābah were supposedly in Salāh and a blind man came in and fell in some hole and the Sahābah supposedly began to laugh during Salāh, so the Messenger ﷺ said repeat the Salāh, redo the Wudū' and repeat the Salāh. It's weak. There's other Ahādīth that clearly order one who laughs in Salāh to redo the Wudū' and the Salāh. Every single one of them is weak and Al-Bayhaqi pointed out to their weakness.

Ar-Rājih

So the correct opinion is that laughing in Salāh is *not* a nullifier of Wudū'. The Ulamā' go back and forth on this issue to the extent of discussing whether there was a hole in the masjid that somebody could have fell in. But the bottom line is that nullifiers are known by authentic proof and Ijmā' and there's no authentic proof that

laughing in Salāh nullifies Wudū'. All the clear proofs on it are weak. An-Nawawi said, "It's our opinion and the opinion of the majority of the Ulamā' and Tabi'īn that laughing in Salāh does not nullify Wudū'." He also attributed that to Ibn Mas'ūd and Jābir and Abu Mūsā Al-Ash'ari.

We'll stop here and continue in the next class inshā'Allāh.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم